



November 22, 2019

Sarah Seymour  
MuckRock News  
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Somerville, MA 02144-2516

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**RE: Right to Know Law Request  
DOH-RTKL-MS-119-2019**

Dear Ms. Seymour:

This letter acknowledges receipt by the Pennsylvania Department of Health (Department) of your written request for records under the Pennsylvania Right-to-Know Law (RTKL), 65 P.S. §§ 67.101-67.3104. I received your request on September 12, 2019. By letter dated, September 12, 2019, the Department acknowledged receipt of your request and secured an extension of time in which to respond in accordance with the RTKL. You requested:

1. Any and all records reflecting an agreement for purchase, acquisition, or licensing of, or permission to use, test, or evaluate Appriss's systems or services, including any product or service offered;
2. Any and all memoranda of understanding between the Pennsylvania Department of Health and any outside entity regarding the PA PDMP.
3. Any and all records including information about the algorithm that determines risk scores in the PA PDMP, including but not limited to its source code, developer documentation, and operator manuals (e.g. NarxScores, Overdose Risk Scores);
4. Any and all research, technical reports, or internal audits that define and/or evaluate the PA PDMP effectiveness or performance;
5. Any and all research, technical reports, or internal audits that evaluate the Appriss risk assessment tool's effectiveness or performance

6. Any document containing a full list of the data fields in the PA PDMP;
7. Any and all records of de-identified red flag algorithm outputs (e.g. provider red flag, pharmacy red flag, 40 MED red flag) and patient behavioral red flags (e.g., anxious patient demeanor, distance between prescriber and dispenser) with prescriber/dispenser training documentation on how to address the red flags;
8. Any record showing the number of patients in the PA PDMP by quarter and year (2006-present);
9. Any record showing the number of prescribers and pharmacists in the PA PDMP by quarter and year (2006-present);
10. Any and all records containing Pennsylvania Department of Health analysis of whether and/or how the PA PDMP has impacted public health in Pennsylvania (e.g. decrease or increase in overdose rates, "doctor shopping," prescribing volume, etc.) over time;
11. Any and all records 2006-present of notification to law enforcement about information in the PA PDMP Medical Review Group or other channels, including but not limited to how many times law enforcement agencies have been notified about information in the PA PDMP, and which agencies have been notified;
12. Any and all internal policy, memoranda, and/or training documentation describing how entities outside of Pennsylvania Department of Health, including law enforcement, may obtain access to information in the PA PDMP, including but not limited to the rules, regulations, and procedures of the Medical Review Group;
13. The legal authorization for sharing PA PDMP information with the law enforcement entities; and
14. Any and all records showing how often law enforcement entities or individuals have requested information or records from the PA PDMP, or made electronic queries of the system, including but not limited to what types of information or records have been requested, which agencies have made the requests, the percent of requests that were accepted versus denied, temporal trends, the form of the request (e.g. subpoena, warrant, etc.), and whether the requests were granted or denied.

Your request has been granted in part and denied in part. Public documents responsive to paragraphs 4, 6, 7, 9, 10, 12, 13 and 14 are enclosed, subject to redaction.

Section 706 of the RTKL, 65 P.S. § 67.706, permits an agency to redact from a public record information that is exempt from access under the RTKL. Any information that is redacted is considered a partial denial under the RTKL.

The Department has redacted the following information from the records disclosed: personal email addresses, personal phone numbers and home addresses have been redacted pursuant to 65 P.S. §§ 67.708(b)(1)(ii) and (b)(6). This information, individually and in combination or with other information, could be used to create significant financial harm to those employed by or associated with the persons who submitted the information or to whom the information relates. This information is also exempt from access pursuant to the privacy protections of the 4<sup>th</sup> Amendment of the United States Constitution and Art. 1, § 8 of the Pennsylvania Constitution, and is therefore excluded from the definition of a “public record.” See 65 P.S. §§ 67.102 and 67.305(a)(3) (excluding from “public record” definition and presumption records exempt from disclosure under any other Federal or State law or regulation or judicial order or decree).

Your requests in paragraphs numbers 1 and 2 are denied. Specifically, your request, which seeks “all records and memorandum of understanding,” is insufficiently specific. Pursuant to 65 P.S. § 67.703, a request should identify or describe the records sought with sufficient specificity to enable the agency to identify the records requested. A request for “all” documents or records has been found to be insufficiently specific. See *Pa. State Police v. Office of Open Records*, 995 A.2d 515 (Pa. Commw. Ct. 2010).

Your requests in paragraphs 3, 5, 8 and 11 are denied. The Department conducted a search for documents related to those requests and I have been advised that no such documents exist within our records. The Department has no records responsive to this portion of your request in its possession, in its custody or under its control.

You have a right to appeal this partial denial of information in writing to the Executive Director, Office of Open Records (OOR), 333 Market Street, 16<sup>th</sup> Floor, Harrisburg, Pennsylvania 17101. If you choose to file an appeal you must do so within 15 business days of the mailing date of this response and send to the OOR:

- 1) This response;
- 2) Your request; and
- 3) The reason why the agency is wrong in its reasons for saying that the information redacted or withheld is not public (a statement that addresses any ground stated by the agency for the denial). If the agency gave several reasons why the record or information is not public, state which ones you think were wrong.

Also, the OOR has an appeal form available on the OOR website at:  
<https://www.dced.state.pa.us/public/oor/appealformgeneral.pdf>. Please be advised that this correspondence will serve to close this record with our office as permitted by law.

Sincerely,

A handwritten signature in black ink that reads "Lisa M. Keefer". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

Lisa M. Keefer  
Agency Open Records Officer  
Pennsylvania Department of Health  
625 Forster Street  
825 Health and Welfare Building  
Harrisburg, PA 17120-0701

Date of Mailing: 11/22/2019

Enclosures